

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

JAY SCHUYLEMAN.

CASE NO. C23-0562JLR

Plaintiff,

## ORDER

V.

BARNHART CRANE AND  
RIGGING CO., et al.,

## Defendants.

This matter comes before the court on Defendants Barnhart Crane and Rigging Co. and Barnhart Crane and Rigging, LLC's (together, "Barnhart") motion to dismiss Plaintiff Jay Schuyleman's original complaint. (MTD (Dkt. # 16).) Barnhart filed its motion on May 24, 2023. (*Id.*) On June 10, 2023, Mr. Schuyleman filed an amended complaint as a matter of course. (Am. Compl. (Dkt. # 20)); *see* Fed. R. Civ. P. 15(a)(1)(B) (allowing amendment as a matter of course 21 days after service of a motion under Rule 12(b)). In the Ninth Circuit, the filing of "an amended complaint supercedes

1 [sic] the original complaint and renders it without legal effect.” *Lacey v. Maricopa Cnty.*,  
2 693 F.3d 896, 927 (9th Cir. 2012). “Courts often apply this rule to motions to dismiss a  
3 complaint that has since been superseded and deny such motions as moot.” *Bisson v.*  
4 *Bank of Am., N.A.*, No. C12-0995JLR, 2012 WL 5866309, at \*1 (W.D. Wash. Nov. 16,  
5 2012) (collecting cases). Because Mr. Schuyleman’s amended complaint has superseded  
6 the original complaint and is now the operative pleading in this proceeding, the court  
7 DENIES Barnhart’s motion to dismiss (Dkt. # 16) as moot. This ruling is without  
8 prejudice to Barnhart filing a motion to dismiss, if warranted, regarding Mr.  
9 Schuyleman’s amended complaint.

10 Dated this 12th day of June, 2023.

11  
12   
13

14 JAMES L. ROBART  
United States District Judge  
15  
16  
17  
18  
19  
20  
21  
22